IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 9281 of 2007(E)

PETITIONER:

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1. C.G. OMANA, W/O.SUNILKUMAR,
   AGED 43 YEARS, R/AT KANNUR, KANNUR DISTRICT,
   (STAFF NURSE GR.II, PRIMARY HEALTH CENTER,
   CHERUVATHOOR P.O., KASARAGOD.)

2. CELLY.A. ULAHANNAN,
   W/O.PAUL P.C., AGED 42 YEARS,
   R/AT PANATHADY, PANATHADY VILLAGE,
   HOSDURG, KASARAGOD DISTRICT.
   (STAFF NURSE GR.II, PRIMARY HEALTH CENTER,
   PERIYA, KASARGOD).

3. SHARI. G., W/O.CHANDRAN, AGED 41 YEARS,
   R/AT NILESHWAR, NILESHWAR VILLAGE,
   HOSDURG, KASARAGOD DISTRICT.
   (STAFF NURSE GR.II, COMMUNITY HEALTH CENTER,
   NILESHWAR, KASARAGOD.)

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   THE PRINCIPAL SECRETARY TO GOVERNMENT
   FINANCE DEPARTMENT, GOVT.SECRETARIAT,
   THIRUVANANTHAPURAM-1.

2. THE MEDICAL OFFICER,
   P.H.C. CHERUVATHOOR, CHERUVATHOOR P.O.,
   KASARAGOD.

3. THE MEDICAL OFFICER,
   P.H.C. PERIYA, KASARAGOD.

4. THE MEDICAL OFFICER,
   P.H.C.NILESHWAR, NILESHWAR P.O.,
   KASARGOD.

5. THE DISTRICT MEDICAL OFFICER (HEALTH)
   KANHANGAD, KASARAGOD.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 9281 OF 2007 E
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Dated this the 20th March, 2007

J U D G M E N T

The petitioners are Staff Nurses working in the Health Services Department. Exts. P2, P3 and P5 are representations filed by them requesting to grant the benefit of provisional service rendered prior to 1-10-1994 for the limited purpose of increment. It is contended that the regular service of the petitioners in the very same post commenced prior to 1-10-1994.

2. The 5th respondent shall consider Exts. P2, P3 and P5 in the light of the Government Decision No. 2 under Rule 33 of Part I, K.S.R. as also the decision of this Court in ***Hussain*** v. ***Kerala Water Authority*** {1996 (2)KLT 555} and the decision of the Full Bench of this Court in ***State of Kerala*** v. ***Ponnamma*** {2005 (4) KLT 987}.

The writ petition is disposed of as above.

K.K. DENESAN
JUDGE

jan/